



March 7, 1980

Honorable Jack Brooks
Chairman, Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your request for the views of the Department of Defense on H.R. 6410, 96th Congress, a bill "To reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal Information policy making and for other purposes".

[The legislation is designed to provide a means to eliminate unnecessary paperwork burdens that are imposed on the private sector and within the Government as a result of information collection requirements. To accomplish this, the bill establishes an Office of Federal Information Management Policy within the Office of Management and Budget. That Office would be responsible for providing overall direction in the development and implementation of Federal information policies, standards, and guidelines. This would include responsibility to review information collection requests, establishing procedures to reduce paperwork burdens on the public, and establishing procedures for review of Federal statistical and records management procedures, establishing guidelines for ensuring privacy of records, interagency sharing of information and the use of automatic data processing as a means of managing information.

In addition, the bill establishes a Federal Information Locator system that would contain data concerning the information holdings of the government. The system would be designed so that information contained in the system could be used to eliminate duplicative information and reporting requirements.] Subject to the following comments, the Department supports the legislation.

The bill is written so that it would apply to every agency of the Government and would include agencies engaged in intelligence collection and related activities. This could result in the disclosure of information related to the intelligence and counterintelligence activities of the Government. Accordingly, to ensure that this result does not occur it is recommended that the bill be amended by adding the following new section:

"None of the provisions of this Chapter shall require the disclosure of information that is specifically authorized under criteria established by an Executive Order to be classified in the interest of national defense or foreign policy and is in fact properly classified pursuant to such Executive Order or of information concerning the intelligence or counterintelligence activities of the Government."

While the foregoing should be sufficient to protect classified information, the broad powers granted to the Office of Federal Information Policy could have an unintended adverse effect on the intelligence and cryptologic activities of the government in view of the extensive powers granted to the Office to prescribe policies, standards, guidelines concerning information management; to coordinate agency proposals with respect to the acquisition and use of automatic data processing and other technology for managing information and to oversee policy, standards, and guidelines on safeguarding the security of information and to provide guidance about information security. Accordingly, your Committee may wish to consider exempting agencies of the Intelligence Community from the bill. This could be done by excluding them from the definition of an agency in section 3502 of the bill.

The Department of Defense considers that the provisions of the bill would apply to both information requirements imposed on the public and on internal information requirements. While the Department believes that general policy concerning collecting information both inside and outside the Government should be compatible, an agency should be able to determine what information it needs to collect internally and such determinations should remain the prerogative of the agency concerned. Therefore, it is recommended that sections 3504

and 3507 of the bill be amended by inserting "from the public" after "information collection requests" in line 5 of section 3504 on page 7 of the bill and "of information" in line 4 of section 3507 on page 17 of the bill. Alternatively, the Committee may wish to change the definition of "collection of information" by amending subsection 3502(2)(A) of the bill by inserting "other than an agency, instrumentality or employee of the agency concerned in" after "ten or more persons" in line 7 on page 4 of the bill.

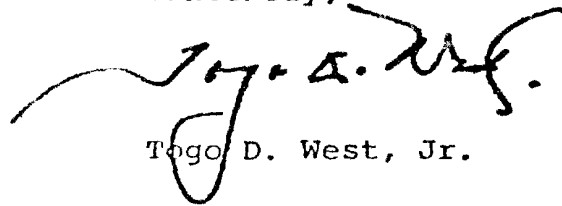
The Department of Defense is pleased to note that section 3505 of the bill directs that a proposal be developed to augment the existing Federal Information Locator System so that it will include data profiles of major information holdings of agencies. In view of the provisions of section 3504(a) concerning the interagency sharing of information, we assume that the data profiles would cover both information collected internally as well as information collected from other government agencies. To make this clear, we recommend that the phrase ", obtained either from internal agency sources or from other government agencies" be inserted between "agencies" and "(used in the conduct of their operations)" in lines 20 and 21 on page 13 of the bill.

In section 3506 of the bill a requirement is imposed upon all agencies to designate a senior official of the agency who will report directly to the head of the agency and who will carry out the functions and responsibilities of an agency under the provisions of the bill. While the Department supports the concept that a senior official should be responsible for implementing the provisions of the bill, there are occasions when it makes more sense, from an operational and management standpoint, to designate more than one senior official to be responsible to the head of an agency. For instance, within the Department, the Assistant Secretary of Defense (Comptroller) is responsible for establishing policies for information collection, reports and forms control, statistical activities, records management, automatic data processing, and the protection of privacy of individuals. The Assistant Secretary of Defense (Communications, Command, Control and Intelligence) is responsible for establishing telecommunications policy because telecommunications systems, hardware, and research functions are more compatible with the intelligence, research, and engineering activities assigned to that office. To

permit an agency to designate more than one official to carry out the responsibilities of the bill where sound management principles dictate such an arrangement, it is recommended that section 3506 of the bill be amended by striking out "a senior official who reports" and inserting "one or more senior officials who will report" in line 20 on page 15 of the bill and by inserting "or officials" after "the official" in line 12 on page 16 of the bill.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

A handwritten signature in dark ink, appearing to read "Togo D. West, Jr.", with a stylized, flowing script.

Togo D. West, Jr.